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Name: Examiner G.E. Elkins, A/U 3727
Organization: USPTO
Fax: (703) 872-9306
Phone:
From: Stephanie L. Goff for Gregory J. Nelson
Date: October 21, 2004
Subject: U.S. Patent Application SN 10/435,177 10/621,653
Applicants: Robert L. And Betty Wilson
Titled: "Folding Luggage Rack for Motorcycles"
Filed: July 16, 2003
Pages: 3 (including coversheet)

Comments:

Dear Examiner Elkins:

Attached is the Response & Amendment regarding the above-referenced subject matter.

Very truly yours,
NELSON & ROEDIGER
Gregory J. Nelson

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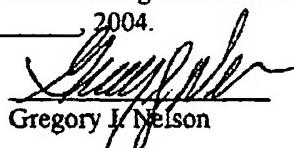
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Dated: 10/21/2004


Gregory J. Nelson

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: ROBERT L. and BETTY WILSON)
Serial No.: 10/621,563 ^{WRONG NO.}) Ex. G.E. ELKINS
Filing Date: July 16, 2003) A/U 3727
Title: "Folding Luggage Rack for Motorcycles")

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RESPONSE & AMENDMENT

25 MAIL STOP NON FEE AMENDMENT
Commissioner For Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

30 Dear Sir:

This is in response to the Office Action dated September 27, 2004. The Examiner has required restriction. Applicants provisionally elect the claims in Group 1, Claims 1 to 7 drawn to a rack. Applicants respectfully traverses the requirement as they believe material differences do not exist. The Examiner set forth an example that the rack of Claim 1 could be attached as an OEM item or as original equipment, as opposed to Claim

Application SN: 10/621,563 *WRDg No.*
Amendment Dated: October 21, 2004
Reply to Office Action of: September 27, 2004

8 which requires a step of removing the existing sissy bar and that plates that mount it.

The differences are not believed to be material as the same rack structure is involved whether or not it is installed at the factory or as an OEM item. As an OEM item, the step of removing the sissy bar obviously would not have to be practiced but in other respects the procedure is the same and it is believed that efficiency and economy are in favor of retaining all of the claims of the present application. Again, the product, as claimed, whether installed as an OEM item or an after-market item, utilizes essentially the same installation process.

A favorable action is respectfully solicited.

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Respectfully submitted,

Dated: 10/21/2004



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